

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESale PRICE	)	
LITIGATION	)	MDL No. 1456
	)	Civil Action No. 01-12257-PBS
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	Hon. Patti B. Saris
	)	
<i>United States of America, ex rel. Ven-a-Care</i>	)	Magistrate Judge Marianne B. Bowler
<i>of the Florida Keys, Inc., v. Abbott</i>	)	
<i>Laboratories, Inc.,</i>	)	
CIVIL ACTION NO. 06–CV-11337-PBS	)	

**PROPOSED ORDER**

Upon consideration of the United States’ Third Motion to Compel the Production of Documents From Abbott Laboratories Inc. and To Require That Abbott De-Designate Non-Confidential Information, and Memorandum in Support, and Abbott Laboratories, Inc.’s (“Abbott”) opposition thereto, it is hereby ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that within ten (10) days from entry of this Order, Abbott shall produce the following categories of information as set forth in the United States’ memorandum: (1) average wholesale price (“AWP”), spread, government reimbursement, and price reporting documents beyond those in the Hospital Products Division files and in accordance with the Court’s September 7, 2007 Order (Dkt. No. 4701); (2) court ordered sales and marketing documents; (3) court ordered personnel files of ASPS field sales force; (4) court ordered documents regarding Alternate Site’s bottom 20% customers; (5) home infusion documents; (6) transactional sales and other data; and (7) Acyclovir data;

IT IS FURTHER ORDERED that Abbott comply with the Court’s Order of September 7, 2007 (Dkt. No. 4701) and produce within ten (10) days *inter alia* “all documents which refer or

relate to Abbott's marketing a spread on a drug involving AWP no matter what drug or what year";

IT IS FURTHER ORDERED that Abbott produce within ten (10) days all documents responsive to the requests in the United States' First and Second Requests for Production, or confirm that all responsive documents have been produced;

IT IS FURTHER ORDERED that Abbott review all documents it has produced in this case, and within twenty (20) days re-designate as "Confidential" or "Highly Confidential" only those materials for which Abbott has a good faith basis for either designation under the terms of the Protective Order;

IT IS FURTHER ORDERED that Abbott review all transcripts it has designated as "Confidential" or "Highly Confidential" in this case, and within twenty (20) days re-designate as "Confidential" or "Highly Confidential" only those portions of transcripts for which Abbott has a good faith basis for either designation under the terms of the Protective Order;

IT IS FURTHER ORDERED that within twenty (20) days Abbott de-designate as "Confidential" or "Highly Confidential" "all pricing information from more than 5 years ago," and "all commercial information from the 1990s";

IT IS FURTHER ORDERED that Abbott provide the good faith basis for any designations as "Confidential" or "Highly Confidential" that it makes on documents produced, or transcripts, during the remainder of this case.

This \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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United States Magistrate Judge